

**MINUTES**  
**Crested Butte Town Council**  
**Regular Council Meeting**  
**September 17, 2012**  
**Council Chambers, Crested Butte Town Hall**

Mayor Aaron Huckstep called the meeting to order at 7:02. Councilmembers present: Roland Mason, David Owen, Shaun Matuszewicz, Glenn Michel, and Jim Schmidt. Staff present: Town Manager Susan Parker, Town Attorney John Belkin, Acting Town Clerk Lynelle Stanford, Public Works Director Rodney Due (for part of the meeting), Building and Zoning Director Bob Gillie (for part of the meeting), Building Department Assistant and Sustainability Coordinator Jessie Earley (for part of the meeting), and Historic Preservation Office and Design Review Coordinator Molly Minneman (for part of the meeting).

**APPROVAL OF AGENDA**

Executive Session was added after Item 10 (Council Meeting Scheduling) for a conference with the Town Attorney for the purpose of receiving legal advice.

Matuszewicz moved and Owen seconded to approve the agenda with the addition of Executive Session after Item 10. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

**CONSENT AGENDA**

A) Approval of Minutes of September 4, 2012 Regular Council Meeting

Matuszewicz moved and Michel seconded to approve the Consent Agenda. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

**PUBLIC COMMENTS**

None

**STAFF UPDATES**

Rodney Due:

- Reported that Wastewater System Manager Matt Peacock wrote a detailed report on regulation 35 water quality standard. Due will email the report to anyone that requests it.
- Town Attorney John Belkin needs to file for party status on behalf of the Town by the 25<sup>th</sup> (of September). With party status the Town has access to information and has the ability to respond.
- The Town will ask for party status again for arsenic later in the year.
- The EPA testified against U.S. Energy because the EPA has been asking for U.S. Energy's plan for mine clean up since 1990.
- Staff is working with Coal Creek Watershed on the Halazon Creek Diversion which helps avoid using the Town machines to clean out silt. So far, the Town has a full supply of water, and with this being a drought year it proves that it is a good design. Engineering will be done for the Town's headwaters to create the same type of diversion. The Town wanted to make sure it worked with irrigation before doing it for the Town.
- Pouring the lid to the new water storage tank at the water treatment plant next week.
- 8<sup>th</sup> St Extension has started.

Bob Gillie:

- At the end of July, the council agreed to a work session with BOZAR on Elk Avenue lighting.
- Gunnison County Electric Association (GCEA) has been in contact regarding a community solar array that would be installed on the Town's wastewater plant clarifier. Everyone in the co-op would have the option to buy into the solar energy. Gillie proposed the question to the council if the Town should continue pursuing this project. Parker added that analysis is required, and Due indicated the previous council wanted the roof design to move in this direction. Gillie mentioned this idea is a solar garden concept. The council directed staff to move forward.

Susan Parker:

- Reminded the council of the upcoming budget work session this Wednesday. The work session will cover capital, affordable housing, conservation, and sales tax.
- Meeting with the Chamber tomorrow.
- Parker referred the council to the letter in the packet from Barbara Green in reference to the City of Longmont. The letter can be signed for the Town as a whole or by individuals if some would decline to sign. She added that Gunnison County is at the head of the discussion regarding gas and oil regulation. This item was revisited under Other Business later in the meeting.

#### **NEW BUSINESS**

##### **A) Office of Resource Efficiency Quarterly Report and update on Town of Crested Butte's Sustainability Efforts**

Maya Silver, Executive Director of ORE, gave the council a Power Point presentation on ORE's efforts in the past year.

Energy Smart is a program that facilitates residential energy assessments and home energy improvements. Energy Smart is made possible by a Department of Energy grant obtained together with Pitkin and Eagle Counties. Energy Smart replaced an existing program called REEP. Most REEP participants were transitioned into Energy Smart, and 3 out of 23 upgraded their residences with insulation projects. There have been over 450 home energy assessments in Gunnison County and over 150 in Crested Butte. Aspects of Energy Smart include consulting with homeowners and low interest financing for home energy improvements. Participation in Energy Smart has resulted in \$18,000 in annual cost savings for residents, and the savings will continue after the grant is completed. The main objectives through Energy Smart are to get people to sign up, get the assessment, and then proceed with the recommended upgrades.

Energy Wise Business is a program designed to help businesses become more energy efficient. Of the 71 businesses enrolled in Gunnison County, 33 are located in Crested Butte. Businesses have received \$50,000 in ORE rebates. There has been \$44,000 in annual energy savings, and over \$150,000 in total project costs.

There are 31 contractors involved in the Energy Smart and Energy Wise programs, and 12 contractors have the ability to give loans through the programs. Loans will generate revenue after the programs are completed. Contractors receive ongoing training and are certified. The biggest thing is after the

program is done there is something the contractors can buy into that generates leads. After the grant ends, the private sector should continue on what they have built.

ORE does:

- Education and Outreach
- Electronics Recycling
- Farm Tour
- Table to Farm Dinner
- Department of Energy's Sunshot Initiative to advance solar energy
- Sustainable home tour
- Local Farms First, an online farmers market comprised of 50 farmers who upload to website what inventory is available. ORE then provides delivery and transportation.
- Facilitates water conservation planning process for Upper Gunnison Basin districts.

Councilperson Michel requested that ORE address concerns that grant funds will run out next August. He questioned how they can be sustainable. Silver answered they are actively fund raising and searching for grants. Michel then questioned how they will abandon government funding and if ORE may consider becoming a private entity. Silver answered, "No." They will not become a private entity.

Building Department Assistant and Sustainability Coordinator Jessie Earley followed up Silver's presentation by referencing a memo that reviewed what the Town has been doing regarding sustainability:

- Earley and Wastewater Systems Manager Matt Peacock attended the Alliance for Sustainable Colorado's Sustainability Think Tank.
- With the franchise agreement from GCEA, \$10,000 is available to the Town for upgrades to buildings. Gillie reported that the first expenditures are outlets on the Elk Ave light posts, which cost approximately \$3500. Additional money can be spent on lighting upgrades and insulation in Old Town Hall. In addition, Early reported that energy assessments should be done to all of the Town buildings. She is doing baseline energy use on all Town buildings. Gillie said, "We can't figure out where we're going until we know where we've been."
- Gas usage for Town vehicles is another aspect being considered for sustainability.
- As previously mentioned by Silver of ORE, the Sunshot Initiative provides technical assistance and support to make it easier to utilize solar for both residential and business buildings. Earley reported the Town could improve on outreach and providing information on financing (for solar equipment). She is working on gathering information to post on the Town's website to further explain the guidelines and code requirements for solar power.
- The Building Department is using Laserfiche to create electronic documents. Laserfiche extends the life of the original documents. It also reduces paper waste because documents can be emailed rather than copied.
- The Town provided a series of three workshops presented by a Historic Preservation Specialist. There was a presentation specifically for contractors, one for real estate agents, and one for community members. He provided ideas for the future regarding sustainability and maintaining what we have.

B) Appointment of New Member to Board of Zoning and Architectural Review

John Meyer was introduced to the council by Historic Preservation Office and Design Review Coordinator Molly Minneman. Meyer has worked extensively with ORE. He indicated his interest in BOZAR was piqued because of his own historical preservation project, but also because there are two current projects being worked on either side of his property. When questioned by the council on his answer on his application about the least effective building project in Town being the ice rink, Meyer cited his experience as a Nordic board member and the chaos caused by the construction of the ice rink with the lack of infrastructure. Meyer also added that there was an issue with the rink not being enclosed. He felt that limited the events that could be held at the facility. Councilperson Michel asked Meyer what BOZAR would have to do with the construction of the ice rink. Huckstep commented there was a fundamental reason the walls are not there, and the one event held there this summer was overwhelmingly successful.

In reference to Meyer's comment on his application that homeowners should have equal representation to developers on BOZAR, Huckstep asked how that balance has impacted Town. Meyer answered that he does not know decisions they have made in the past. He felt the square footage of buildings is larger than if the development community was not represented on BOZAR.

Meyer was asked his perspective on interacting with proponents. Meyer said there is compromise in literally every project. He cannot say these are the guidelines when they have compromise all over them. He is not just by the book. He would like to look at each individual project to come up with the right solution.

Finally, Meyer was asked if he was okay reading the packets and attending meetings. He answered that he has lots of time, and he really enjoys looking at architecture throughout Town. He is here full-time, with the exception of travel, particularly in April.

Michel added that BOZAR is perceived as thankless job. He thought there should be a way to gain more applicants. He suggested working as a council to find more people to step up to the plate.

Schmidt moved and Mason seconded to appoint John Meyer to BOZAR for a three year term. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

#### C) Appoint Community Grant Committee Members

Moved to the end of new business.

#### D) Discussion and Possible Action Regarding Adjacent Property Notifications for Land Use Public Hearings

The discussion began regarding the notification of proposal and hearing dates. Should notification be done by email, certified mail, or regular mail? In discussing scope, should adjacent be within 200 feet, 300 feet? How does the notification lengthen the time of the application process?

Owen asked Gillie his opinion of the notification adding a month to the process. Gillie said there are two design review meetings and after the second meeting, the project is published in the paper. Typically, if notifications are mailed via certified mail, the receipt does not happen that quickly, and the verification that all property owners have been notified contributes to a tight schedule. Owen questioned if notification is done by regular mail if it still adds a month. Minneman said that the onus it not intended

to be on the Town staff. She believes that the staff can take care of this and keep the process going within the month. Gillie said that the Town needs to be responsible for notification, not the proponent. If the scope gets bigger, all things add complexity. If we have to check if the proponent has done it, it adds complexity. Michel added his concern of the cost of certified mail versus regular mail.

All councilmembers agreed notification may occur through regular mail.

The council further discussed the scope. Owen thought scope should be larger than adjacent properties. Gillie pointed out that in hearing complaints, they generally come from the people right next door and from those who have the most interaction in relation to projects. 200 feet was mentioned as an acceptable distance. Michel calculated 200 feet would be four doors down from a property. It was decided that adjacent properties are those that are encircling the property owner.

It was further discussed when notification will take place: at the time of application submittal or at the time of publication. Gillie recommended when it is published, not at inception of the application. The time between the publication and the public hearing is two weeks. It was also discussed that at the inception of the application, a person can provide their email address for further notification.

Gillie posed the question if the notification is in regards to new zoning requests or changes to zoning. The council recommended limiting notifications to site specific development plans and not delving into wider zoning type of issues. If there is a hearing in front of BOZAR, then notification is required.

Matuszewicz moved and Michel seconded to direct the staff to create a new administrative process for encircling property owners to be notified of a change of land use at the time of publication by mail with a response by email if requested.

#### E) Award Town Hall Bathroom Bid

Award to East River Builders.

Michel questioned the concern of the roof over the boiler in Town Hall. Gillie answered that there was water being taken in from the basement. The water is in one location and the roof in another. Gillie acknowledged that it is a building maintenance issue that needs to be addressed, but he is comfortable shifting dollars away from the roof to the Town Hall bathrooms.

Matuszewicz moved and Owen seconded to award the Town Hall bathroom bid to East River Builders not to exceed \$53,000 from the capital fund. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

#### F) Ordinance No. 10- Series 2012. An Ordinance Amending the Crested Butte Municipal Code to Include Congregate Housing as a New Conditional Use in the "C" Commercial District and to Make Certain Other Corresponding Amendments to the Code in Connection Therewith.

Owen questioned if the congregate housing unit can only be used as long term rental unit with the same deed restriction as the existing unit. Gillie answered the congregate housing has the same deed restriction.

Schmidt moved and Mason seconded to set Ordinance 10- Series 2012 for public hearing on October 1, 2012.

#### G) Appoint Community Grant Committee Members

The Community Grant Committee reviews applications for community grant cycles. Two councilmembers need to be appointed.

Mason mentioned that some non profits might have issues caused by change in the forms. It was Mason's opinion that a representative for the committee should be someone familiar with the previous forms. Schmidt added that the experienced person should serve along with someone new that has new ideas. Schmidt suggested either Owen or Matusewicz. Michel suggested Huckstep serve. Huckstep said consistent decision making from this process is important. He said from a procedural standpoint it would be good to see a subcommittee implemented.

Owen moved and Mason seconded to appoint Schmidt and Matusewicz to the Community Grant Committee. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

#### LEGAL MATTERS

Town Attorney, John Belkin reported that a party involved in a Deed in Lieu of Foreclosure is requesting a real estate transfer tax exemption. Belkin said that Aspen has a two year fuse on their real estate transfer tax exemption: if the bank takes a deed in lieu of foreclosure and if the property is not sold within two years, Aspen then collects the tax.

Huckstep questioned, in this particular situation, if the lender is in the business of turning over the property. Belkin mentioned to the applicant the possibility of a code change with the two year fuse. He would like to bring an ordinance forward to fill this hole

Owen clarified that if they are not exempt currently, they would have to pay the tax. The Town could give them an exemption, except with a fuse. Huckstep added that it may be more practical letting the grantee in the deed in lieu choose to pay tax now or in two years. Secondly, Huckstep supported an exemption in a transfer pursuant to divorce. The question was posed if there would be an exemption when someone is transferring the property to a trust. In the situation that a trust is involved, the controlling person is not changing, so there should be no exemption. Belkin further stated that the structure of a trust depends on the beneficiary of the trust and the trustee. Huckstep said, "Let's clean this up on another few items."

Belkin stated that a policy change cannot be made to remain in compliance with Tabor. The Town can make administrative law changes as long as they are not policy changes. Belkin said the changes can be done as an ordinance, but the changes should not fall under policy changes legally. Owen added that Finance Director Lois Rozman might know of other situations where the tax may not make sense. The council agreed to Belkin preparing a memo dealing with potential changes to the Real Estate Transfer Tax.

The hearing on regulation 35 was mentioned. It was ruled that the stream will have drinking water standards. Everything that happened at the hearing is positive for health and safety.

## **COUNCIL REPORTS AND COMMITTEE UPDATES**

Mason:

- Attended a Rural Transportation Association (RTA) meeting on Friday.
- New bus schedule starts on November 21. There will be eight trips daily and nine trips on the weekends.
- Western State Colorado University provided the \$9,000 shortfall to fund an airline flight directly from Houston to Gunnison.
- On the bus route, the Ohio Creek bus stop has been terminated because it was a difficult pull out section and ridership was low.
- The Denver bus ridership is 25 percent up from last year. Last June there were 750 riders, and this June there were almost 1200 riders.
- There was a presentation from the Telluride Montrose Regional Airline Organization. They are working to add flights from a new low cost carrier directly from Phoenix and San Francisco into the Montrose airport. Of the \$150,000 required, \$40,000 is going towards marketing which is already happening. They requested funds from Gunnison County and the municipalities. The funding was requested to be fulfilled within two weeks. Huckstep clarified that they were not asking for funds; they were notifying of the opportunity.

Owen:

- Attended the initial meeting of the Gunnison Valley Housing Authority where they elected officers. Owen was elected the President, and Schmidt was elected the Secretary.
- The Gunnison Valley Housing Authority needs to elect an at large member. They will advertise for two weeks.
- There will be two contracts. One is a services contract between the county and the housing authority and is similar with the contract RTA has. Parker recommends the contract should be reviewed. Huckstep countered that the Town does not need to sign it. Schmidt further stated that the authority does not have an attorney. The second contract is a lease agreement to lease office space from the county.

Matusiewicz:

- The Tourist Association (TA) will be offering Ski Free with lodging again this year until December 19<sup>th</sup>.
- Quarterly review with TA and LMD.

Michel:

- Attended a Mountain Express board meeting, and their recent \$3,000 funds request to the Council was discussed. There was concern that the board had already put the \$3,000 in their budget before the funds were awarded. Michel said that will not be the policy anymore, and they will no longer ask for that money. Michel assured that the late night bus service will remain in place. He further added that they probably will not fund the Topsy Taxi anymore. Mountain Express will ask them to apply directly for a community grant to fund the Topsy Taxi.
- Michel voiced concerns regarding ORE and the board. Michel said he has never seen the board president, and only 25 percent of board members show up for meetings. The board is comprised of a number of figureheads that show apathy and lack of involvement. Michel has no idea how the executive director was hired; it was a non transparent decision. Michel further expounds that he feels it is a waste of energy having a council member on the ORE board. He

would like to put his energy elsewhere. Being an elected official gives no more influence on the board. Parker said committee appointments will be discussed in November.

Schmidt:

- Attended a Housing Authority meeting.

Huck:

- Attended a Colorado Association of Ski Towns (CAST) meeting. Sales tax changes for members were discussed. Crested Butte is above average, ahead of the curve, up 2.8 percent year to date. Mt. Crested Butte is down 6 percent.
- Approached by a citizen who questioned the change to the polling location for this year's election. Voting will now take place at All Saints Parish Hall instead of Town Hall. The decision to change was not made by the Town. Research states that voters are turned off when polling occurs at a religious building. ADA compliance and security were cited as concerns that caused the change. The Secretary of State made the decision, not the Town.
- Grand Mesa Uncompahgre and Gunnison National Forests (GMUG) assigned a new forest supervisor. Huckstep suggested the council send a welcome letter. Schmidt suggested the new supervisor be invited to come to a meeting. It was decided Parker would compose a handwritten note.
- Has a meeting scheduled with Jennifer Birnie and Jennifer Hartman regarding the Center for Arts' development proposal.
- During the Mayor/Manager meeting on the 6<sup>th</sup> they talked about the GCEA proposal for the clarifier building, the US Pro Cycling Challenge, and Western. Enrollment at Western State Colorado University is up 8 percent from the year prior.
- The Tourism Association (TA) had a work session with the Board of County Commissioners. A subcommittee was formed to discuss the voting capability of delegates from councils on the board. The board's general consensus was that not one member had a strong feeling either way. The Executive Director does not think council delegates are qualified to make a decision that matters. A letter of support for a voting spot was discussed; however, the TA's stance is that it is easier if delegates do not have voting spots, according to Matuszewicz.
- Huckstep referred to the RTA meeting and the discussion of a low cost airline flying into Montrose. He mentioned that if the Town does not participate this year, the cost will go up next year, and the opportunity may no longer be available.
- Huckstep stated his strong impression of a marketing company used by Telluride. They inspired confidence that they know who their customers are, and they know how to get them. Their collaboration was impressive. Mason added that a certain amount of funds should be reserved, so marketing can be pushed when something like a big snow event happens. An aspect of marketing should be able to capitalize on big events that cannot be predicted.
- Schmidt asked if winter is being pushed by the TA. Matuszewicz answered that summer and winter have equal marketing efforts through the TA.

#### **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

Parker brought the Council's attention back to the copy of the letter from Barbara Green on behalf of the City of Longmont found in their packets. Green is special council on water issues. The deadline for the Town to sign the letter is Noon tomorrow. Signatures are block formatted from all communities.



Huckstep said people can sign individually, too. Parker indicated she would prefer it was signed by the Town as a whole, rather than individually.

The council unanimously approved to send the letter.

**DISCUSSION OF SCHEDULING FUTURE WORK SESSION MEETING ITEMS**

The Elk Ave Streetscape joint meeting with BOZAR needed to be scheduled. Parker reminded the Council that their Mondays are full. The meeting was scheduled for Monday, October 1<sup>st</sup>.

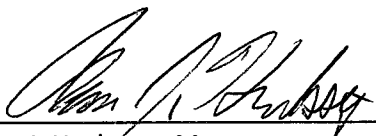
**EXECUTIVE SESSION**

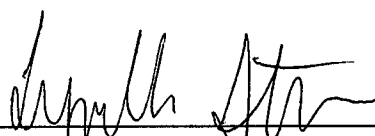
Schmidt moved and Matusiewicz seconded to go into Executive Session for the purpose of receiving legal advice on specific legal questions under C.R.S. section 24-6-02(4)(b). A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

Council returned from executive session at 10:18PM. Mayor Huckstep made the required announcement upon returning to the open meeting. No action was taken.

**ADJOURNMENT**

Mayor Aaron Huckstep adjourned the meeting at 10:19PM.

  
\_\_\_\_\_  
Aaron J. Huckstep, Mayor

  
\_\_\_\_\_  
Lynelle Stanford, Acting Town Clerk (SEAL)